

ORDINANCE NO. 0-17-98

AN ORDINANCE ANNEXING CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 1.15 ACRES LOCATED ON UTTERBACK BRANCH ROAD, ADJACENT TO THE CITY LIMITS AND CHANGING THE ZONING CLASSIFICATION OF SUCH TERRITORY TO R1F. (LUEBBERS-BUTLER PROPERTY)

WHEREAS, Gloria J. Luebbbers, Michael C. Butler and Andra L. Butler, being the owners of record of the hereinafter described territory (the "territory"), have requested that the City of Florence, Kentucky (the "City") annex the territory and, pursuant to K.R.S. 81A.412, the owners have given written consent to such annexation; and

WHEREAS, the City has determined that it is desirable to annex the territory which is contiguous to the boundaries of the City, and

WHEREAS, pursuant to K.R.S. 100.209(1) the City makes the election that, upon the recommendation of the Boone County Planning Commission, zoning for the territory shall be changed from its present classification of Suburban Residential One/Planned Development (SR1/PD) to Residential One Family (R1F).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION I

The City finds that the hereinafter described unincorporated territory meets the requirements of K.R.S. 81A.410 and is as follows:

- (a.) Is contiguous to the boundaries of the City, and
- (b.) Is urban in character and suitable for development for urban purposes without unreasonable delay, and
- (c.) Is not included within the boundary of another incorporated city.

SECTION II

That the territory, described in Exhibit "A" and shown on Exhibit "B" each of which is attached hereto and incorporated herein by reference, shall be and the same is hereby annexed to the City of Florence, Kentucky.

SECTION III

The owners of record of the territory have filed with the City written consent to this annexation under K.R.S. 81A.412 and therefore, the following do not apply to this annexation: (a) the notification ordinance required by K.R.S. 81A. 420(1); (b) the notice requirement of K.R.S. 81A.425; and (c) the waiting period of K.R.S. 81A.420(2).

SECTION IV

Pursuant to K.R.S. 100.209(1), based upon a recommendation from the Boone County Planning Commission, the territory shall, after annexation, have the zoning classification of Residential One Family (R1F) as shown on the map attached hereto as Exhibit "B" and the zoning map, as applicable to the City is hereby amended accordingly.

SECTION V

This ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 25th DAY OF August, 1998.
PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED
THIS 24th DAY OF November, 1998.

APPROVED:

Edlyn McKee
MAYOR

ATTEST:

[Signature]
CITY CLERK

RECEIVED

DEC 1 1998

SECRETARY OF STATE
COMMONWEALTH OF KY

SITUATED IN BOONE COUNTY, KY, FLORENCE, FRONTING UTTERBACK
BRANCH ROAD TO THE EAST and DB 294 PG 285 (DB 667 PG 203)
TO THE SOUTH, IN REFERENCE TO THE COUNTY RECORDER'S OFFICE,
LUEBBER's 3.9ac per DB 366 PG 254, BURLINGTON, GROUP 2039.

FURTHER DESCRIBED IN FEET and BEARINGS.

BEGINNING AT THE SOUTHWESTERLY CORNER OF LUEBBER'S 3.9ac.,
COMMON TO BOONE VALLEY SUB., SEC., 8, PB 19 PG 17's EASTERLY
LINE and DB 294 PG 285's (DB 667 PG 203) NORTHERLY LINE;
THENCE 159.3, N 30°30'0" W, PASSING A WITNESS 1/2in REBAR
ONLINE AT 37.0ft, WITNESSED BY A LINE STONE 199.84 ONLINE NORTH;
THENCE LEAVING SAID LINE, ALONG A NEW DIVISION FOR THE
NEXT 5 (FIVE) CALLS, 107.23, N 59°30'0" E TO A 5/8in REBAR #3262;
THENCE 66.42, N 29°38'37" E TO A 5/8in REBAR #3262;
THENCE 213.46, S 60°21'23" E TO A 5/8in REBAR #3262;
THENCE 192.99, N 66°34'22" E, PASSING A WITNESS 5/8in
REBAR #3262, 15.96 ONLINE WEST;
THENCE 22.87, S 60°28'45" E TO SAID WESTERLY 40ft R/W of
UTTERBACK BRANCH ROAD, WITNESSED BY A R/W MONUMENT 40.0
ONLINE EAST, BEING SAID rev., HWY PLANS, 04-20-95, SHEET
5 of 32's EASTERLY R/W;
THENCE ALONG SAID R/W, 40.95, S 33°33'0" W TO SAID
SOUTHEASTERLY CORNER OF SAID 3.9ac., IN SAID CREEK,
COMMON TO DB 294 PG 285 (DB 667 PG 203);
THENCE ALONG SAID LINE, 440.58, S 66°34'22" W, TO THE
POINT OF BEGINNING, CONTAINING 1.15ac., MORE OR LESS.

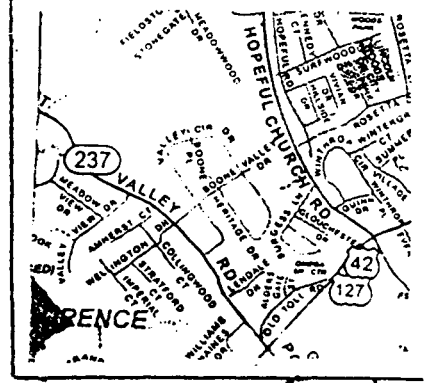
SUBJECT TO A 20ft WIDE ACCESS EASEMENT ACROSS LUEBBERS
3.9ac FOR PURPOSES OF INGRESS-EGRESS. DEFINED BY
AGREEMENT PER AFFECTED PARTIES.

SUBJECT TO SAID 50ft R/W of BOONE VALLEY DRIVE and 40ft
R/W of UTTERBACK BRANCH ROAD.

SUBJECT TO EASEMENTS OF RECORD.

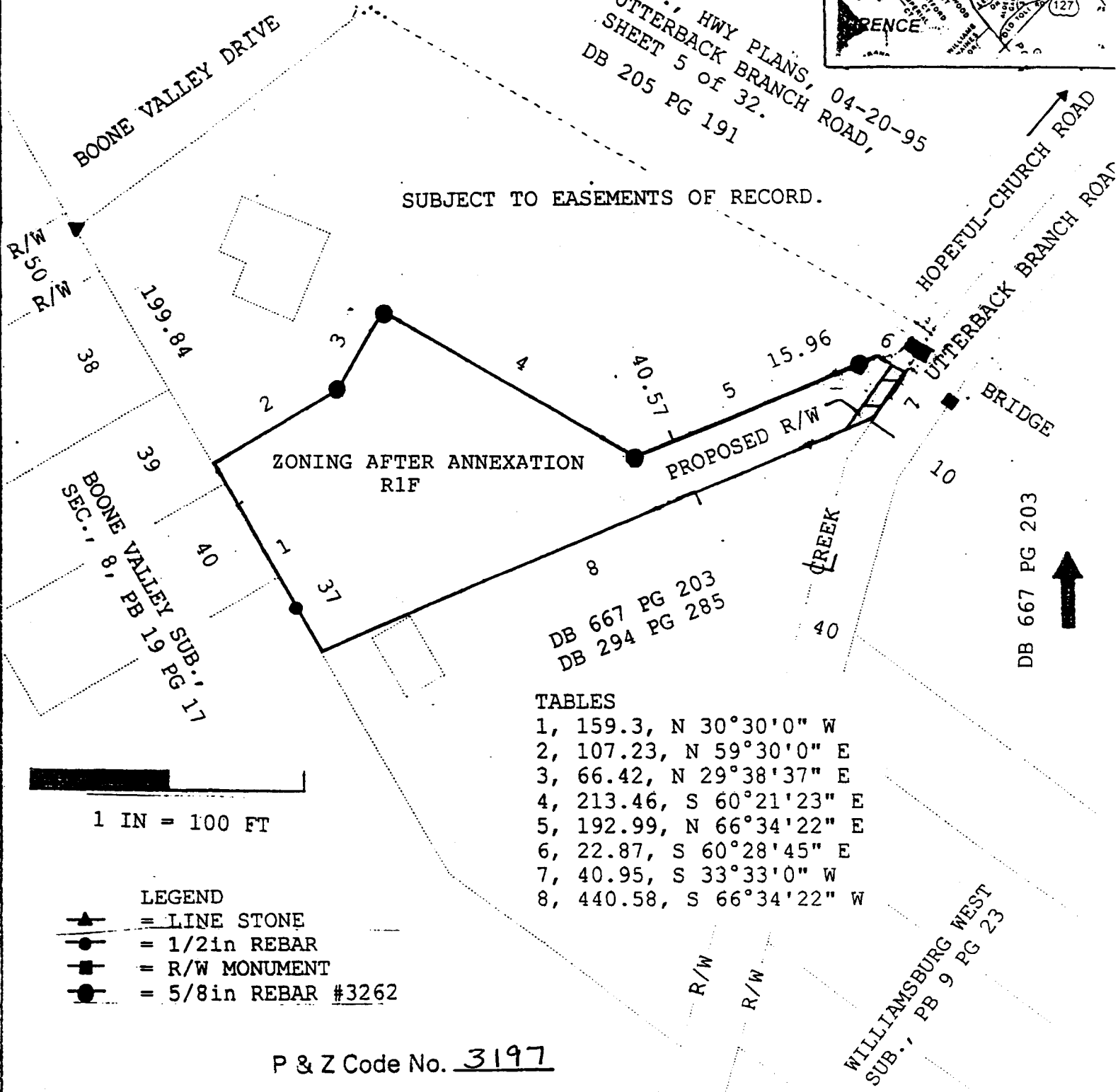
SURVEYED by COOPER SURVEYING, LS #3262, DATED 07-01-98.

Re-DIVISION of LUEBBERS 3.9ac
DB 366 PG 254, BOONE, FLOR.,
MAP 62-24-01, GROUP 2039,
ZONE SR-1, 1.15ac OUTLOT.



HWY PLANS, 04-20-95
UTTERBACK BRANCH ROAD,
SHEET 5 of 32.
DB 205 PG 191

SUBJECT TO EASEMENTS OF RECORD.



TABLES

- 1, 159.3, N 30°30'0" W
- 2, 107.23, N 59°30'0" E
- 3, 66.42, N 29°38'37" E
- 4, 213.46, S 60°21'23" E
- 5, 192.99, N 66°34'22" E
- 6, 22.87, S 60°28'45" E
- 7, 40.95, S 33°33'0" W
- 8, 440.58, S 66°34'22" W

LEGEND

- LINE STONE
- 1/2in REBAR
- R/W MONUMENT
- 5/8in REBAR #3262

P & Z Code No. 3197

COOPER SURVEYING, LS #3262
3382 APPOMATTOX DRIVE
ERLANGER, KY 41018
VMAIL and FAX: 606-342-6164

SUBJECT TO A 20ft WIDE ACCESS EASEMENT ACROSS
LUEBBERS 3.9ac FOR PURPOSES OF INGRESS-EGRESS.
DEFINED BY AGREEMENT PER AFFECTED PARTIES.

EXHIBIT "B"

I hereby certify this plat depicts a survey, made by me, or under my direction, by method of random traverse. The unadjusted error of closure meets Class "A" Standards per KRS 201 KAR 18.150. Distances and Bearings have been adjusted for closure. All monumentation is considered found unless stated as a 5/8in Rebar #3262, set by me. This survey complies with all requirements of the Boone County Zoning and Subdivision Regulations unless otherwise stated.

I also certify that I have examined the records of the Boone County Clerk's Office and find this is the (first) (second) (third) (fourth) (fifth) conveyance made under the parent tract since 1966.

David H Cooper #3262 7/1/98
Land Surveyor Reg. No. Date

(I) (We) hereby do dedicate the right-of-way of UTTERBACK
BRANCH ROAD shown hereon to public use, forever.

Gloria S. Luebbers 7/28/98
Signature of Grantor(s) Date

State of Kentucky and County of Boone

The foregoing instrument was acknowledged before me, dated 7-28-98, by Grantor(s) Gloria S. Luebbers.

David A. Keenig
Notary Public My Commission Expires 9-22-99

Approved for recording the transfer of property only by the Boone County Planning Commission, dated 8-5-98.

Judy P. Pratt 8/5/98
Planning Commission Chairman Date
SR-1/PD
8-5-98
TRM

This plat shall be void if not filed with the Boone County Clerk for recording purposes within two (2) years of Planning Commission approval.

P & Z Code No. 3197